

To: Bennett, Tate[Bennett.Tate@epa.gov]; Hupp, Millan[hupp.millan@epa.gov]
Cc: Hupp, Sydney[hupp.sydney@epa.gov]; Davis, Gail[Davis.Gail@epa.gov]; Keith, Jennie[Keith.Jennie@epa.gov]
From: Fugh, Justina
Sent: Mon 4/3/2017 7:42:13 PM
Subject: RE: Kentucky Derby

Hi there,

Unless the Administrator is given an official speech at the Derby, then I don't see how he and his wife can accept free attendance at the Derby. In 2007, the Office of Government Ethics issue Legal Advisory 07 x 14, which states, "OGE has received many questions from agency ethics officials and others concerning the application of the [widely attended gathering] exception to sporting events, such as ... horse races OGE has concluded that such events typically do not qualify as WAGs." In order for them to attend, they will have to pay for their tickets and attend in personal capacity.

Justina

Justina Fugh | Senior Counsel for Ethics | Office of General Counsel | US EPA | Mail Code 2311A | Room 4308
North, William Jefferson Clinton Federal Building | Washington, DC 20460 (for ground deliveries, use 20004 for the
zip code) | phone 202-564-1786 | fax 202-564-1772

From: Bennett, Tate
Sent: Friday, March 31, 2017 5:45 PM
To: Hupp, Millan <hupp.millan@epa.gov>
Cc: Hupp, Sydney <hupp.sydney@epa.gov>; Davis, Gail <Davis.Gail@epa.gov>; Fugh, Justina <Fugh.Justina@epa.gov>
Subject: Re: Kentucky Derby

Happy to check in and cc you. Is there anything I need to ask?

Sent from my iPhone

On Mar 31, 2017, at 5:41 PM, Hupp, Millan <hupp.millan@epa.gov> wrote:

Governor Bevin invited the Administrator and his wife to attend the Kentucky Derby which is the first weekend in May.

Justina - are there any ethical considerations here?

Tate – would you want to check in with his staff on this or should I?

Gail – is this a trip you would book?

Syd – can you put a hold on the calendar for this?

Thank you!

Millan